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09/512,268	02/24/2000	Makiko Mori	862.C1847	5969

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EXAMINER

TRAN, TRANG U

ART UNIT PAPER NUMBER

2614

19

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/512,268

Applicant(s)

MORI ET AL.

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 16 and 18.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed April 05, 2004 have been fully considered but they are not persuasive.

In re pages 10-11, applicants argue that the Kerigan EP' 516 reference fails to disclose or suggest as least the above described features of the present invention. Rather, in the Kerigan EP' 516 reference, detection is executed only in the host system; no detection is executed in the image display device and/or peripherals. Further, in the Kerigan EP' 516 reference, environmental information such as configuration data of peripherals is detected; nowhere is the Kerigan EP' 516 reference understood to disclose or suggest detecting ambient environment, such as noise, as disclosed and claimed in the present application.

In response, the examiner respectfully disagrees. The Kerigan EP' 516 reference discloses in page 3, lines 31-56, that

"peripherals, such as keyboard, pointing devices, cameras, etc., send their inputs to the host system, the host system then changes the display data in step 30 to account for these new inputs as necessary, this change only occurs when the peripherals have sent in new data, **or the application on the host system has changed, an example of new information might be OpenGL commands to the display adapter or brightness or focus adjustments to an optical projector...** the display device interface is designed to support several different architectures and components, however, in order for the system to function, the display device must send specific information beyond the defined in the DEDID for that particular set of components, **the host system would then tailor the functionality of the display device with display parameters, such as the number of display data channels enables, display data channel type (LVDS, fiber, analog, etc.), addressability of the display, selected color temperature, update and refresh rates, etc.**"

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From the above passage, it is clear that the Kerigan EP' 516 reference does indeed disclose the detecting ambient environment of the controller (the application on the host system) as recited in all the independent claims 1, 9, 17 and 18.

In re page 11, applicants argue that rather the Kim' 719 patent is understood merely disclose a system in which environment characteristic (e.g., temperature) is detected only in the video appliance; no detection is executed in a device "connected to" the video appliance, as disclosed and claimed in the present application.

In response, the examiner respectfully disagrees. Applicant cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In re page 11, applicants argue that claims 2 to 8, 10-16 and 19-20 depend from claims 1 and 9, respectively, and are believed allowable for the same reasons.

In response, as discussed above, the Kerigan EP' 516 reference and Kim indeed disclose all the limitations of independent claims 1, 9, 17 and 18.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaun Kerigan et al (EP 0 778 516 A2) in view of Kim (US Patent No. 6,172,719 B1).

In considering claim 1, Shaun Kerigan et al discloses all the claimed subject matter, note 1) the claimed first detection means for detecting a first environment of the controller is met by the host system 12 which detects a change when the peripherals have sent in new data (Fig. 1, page 3, lines 37-47), 2) the claimed first adjustment means, arranged in the controller, for adjusting a first characteristic of the image display device is met by the host system then changes the display data in step 30 to account for these new inputs as necessary, an example of new information might be OpenGL commands to the display adapter or brightness or focus adjustments to an optical projector (Figs. 1 and 2, page 3, lines 37-56), and 3) the claimed control means for selectively operating one of said first and second adjustment means in accordance with each detection result of said first detection means and second detection means is met by the host system 12 (Figs. 1 and 2, page 2, line 56 to page 3, line 56).

However, Shaun Kerigan et al explicitly does not specifically disclose the claimed second detection means for detecting a second environment of the image display device and second adjustment means, arranged in the image display device, for adjusting the second characteristic of the image display device.

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Kim teaches that referring to Fig. 2, the automatic color temperature control device according to the present invention includes a chromaticity sensing section 21 for sensing environmental brightness and color of the appliance, a temperature sensing section 28 for sensing an environmental temperature of the appliance, a microprocessor 22 for recognizing the environmental brightness, color and temperature in accordance with sensed signals outputted from the chromaticity sensing section 21 and the temperature sensing section 28, and outputting control signals for controlling a picture state of the appliance in response to the recognized environmental brightness, color and temperature (Fig. 2, col. 4, line 40 to col. 6, line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the second detection and adjustment as taught by Kim into Shaun Kerigan et al's system in order to determine the optimum picture display condition whereby a viewer does not feel eye strain in accordance with the sensed brightness and color of the environment.

In considering claim 2, the claimed wherein said control means selectively operates one of said first and second adjustment means to performs an adjustment operation when each detection result of said first and/or second detection means changes not less than a predetermined degree is met by the referred to as "nature eyes" or "nature sensor" (col. 6, lines 20-42) of Kim.

In considering claim 3, the claimed wherein adjustment operations controlled by said control means are distributed between said first and second

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adjustment means in advance is met by the host system 12 (Figs. 1 and 2, page 2, line 56 to page 3, line 56) of Shaun Kerigan et al.

In considering claim 4, the claimed wherein the system further comprises transfer means for transferring the detection result of said second detection means between the image display device and the controller, said transfer means being capable of transferring an adjustment result obtained upon an adjustment operation by one of said first and second adjustment means in the image display device and the controller to the other one of the image display device and the controller, and wherein said controller selectively operates one of said second adjustment means of the image display device and said first adjustment means of the controller to performs necessary adjustment by said one of said first and second adjustment means when the detection result transferred by said transfer means is an environmental change requiring adjustment by said one of said first and second adjustment means is met by the microprocessor 22 and the decoder and D/A converter of the video processor 20 (Fig. 1, col. 1, line 35 to col. 2, line 65) of Kim.

In considering claim 5, the claimed wherein said second detection means detects a change in brightness, and said first adjustment means of the controller performs an adjustment operation corresponding to a change in brightness is met by the contrast control section 24 or the brightness control section 25 which control the brightness of the picture to be display (Fig. 2, col. 5, lines 48-62) of Kim.

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In considering claim 6, the claimed wherein said second detection means detects a change in color temperature, and said second adjustment means of the image display device performs a color temperature adjustment operation is met by the white point control section 26 which controls the respective levels of the RGB primary color signals (Fig. 2, col. 5, line 63 to col. 6, line 7) of Kim.

In considering claim 7, the combination of Shaun Kerigan et al and Kim discloses all the limitations of the instant invention as discussed in claims 1 and 3 above, except for providing the claimed wherein said first detection means detects a busy telephone signal, and said second adjustment means of the image display device performs a volume adjustment operation to reduce noise in accordance with said detection means. Performing volume adjustment of the image display is old and well known in the art. Therefore, the Official Notice has been taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known volume adjustment into the combination of Shaun Kerigan et al and Kim's system in order to change the audio level to the suitable levels for the user.

In considering claim 8, the claimed wherein an adjustment result of said second adjustment means is informed to the controller is met by the control signals outputted from the microprocessor 22 for controlling either brightness, contrast or color temperature of the picture display (Fig. 2, col. 5, line 48 to col. 6, line 7) of Kim.

Claims 9-16 are rejected for the same reason as discussed in claims 1-8, respectively.



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Claim 17 is rejected for the same reason as discussed in claim 1.

Claim 18 is rejected for the same reason as discussed in claim 1.

In considering claim 19, the claimed wherein the adjustment operation is a contrast adjustment operation is met by the contrast control section 24 or the brightness control section 25 which control the brightness of the picture to be display (Fig. 2, col. 5, lines 48-62) of Kim.

Claim 20 is rejected for the same reason as discussed in claim 19.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MICHAEL H. LEE  
PRIMARY EXAMINER

TT   
June 26, 2004